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9 UNITED STATES CENTRAL DISTRICT COURT

10 STATE OF CALIFORNIA

11 Raymond Villa, Daniel Morales,) Case No.:
12 Jiessi Alvarado, Hector Gaona,) COMPLAINT FOR DAMAGES
13 Matthew Perez, Daniel) - State Common Law
14 Cobarrubias, Timothy Baltierra) Negligence
15 and Robert Perez) - 42 U.S.C. Section 1983 and
16 Plaintiffs,) 1988:
17 vs.) State Created Danger;
18 COUNTY OF SAN) Failure to Protect
19 BERNARDINO, SAN) - Intentional/Negligent Infliction
20 BERNARDINO COUNTY) of Emotional Distress
21 SHERIFF'S DEPARTMENT, SAN)
22 BERNARDINO COUNTY) DEMAND FOR JURY TRIAL
23 SHERIFF SHANNON D. DICUS,)
24 SAN BERNARDINO COUNTY)
25 SHERIFF UNKNOWN
26 DEPUTIES. Nos. 1-5
27 Defendants

28 **NATURE OF ACTION**

1. This is an action for money damages brought pursuant to 42 U.S.C.
Sections 1983 and 1988, the Fourteenth Amendment of the United

1 States Constitution, the Eight Amendment of the Constitution and the
2 California State Constitution against the County of San Bernardino, the
3 San Bernardino County Sheriff's Department, the San Bernardino
4 County Sheriff Shannon D. Dicus (Sheriff Dicus) and all currently
5 unknown involved San Bernardino County Sheriff Deputies (Sheriff
6 Does).

7
8
9 **PRELIMINARY STATEMENTS**

- 10
11 2. Plaintiffs Raymond Villa (RV), Daniel Morales (DM), Jiessi Alvarado
12 (JA), Hector Gaona (HG), Matthew Perez (MP), Daniel Cobarrubias
13 (DC), Timothy Baltierra (TB) and Robert Perez (RP), collectively referred
14 to as PLAINTIFFS, were inmates at the West Valley or Men's Central
15 detention facility in the County of San Bernardino at time of incidents
16 referenced herein.
17
18
19 3. PLAINTIFFS bring this action against the County of San Bernardino,
20 San Bernardino County Sheriff's Department, Sheriff Dicus and Sheriff
21 Does, collectively referred to as DEFENDANTS, for monetary damages
22 to redress all their individual injuries resulting from DEFENDANTS
23 negligence, deliberate indifference, failure to protect and purposeful
24 acts.
25
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28

- 1 4. Each Government-official Defendant, through the official's own and
2 individual actions, has violated the Constitution.
3
- 4 5. The alleged constitutional deprivations are the product of a policy or
5 custom of San Bernardino County.
6
- 7 6. PLAINTIFFS bring this action against all the DEFENDANTS under the
8 Eighth Amendment of the United States Constitution and the Civil Rights
9 Act of 1871, as codified at 42 U.S.C. § 1983, for injuries suffered due to
10 the DEFENDANT'S substantial and deliberate indifference to their health
11 and safety.
12
- 13 7. There is a permanent and well-settled practice by San Bernardino
14 County in not protecting inmates which gave rise to the alleged
15 constitutional violations. DEFENDANTS have a habit and custom of
16 housing inmates that should be separated and segregated from each
17 other, together in the same cell or area, with the death or great bodily
18 injury of one by the other ensuing.
19
- 20 8. PLAINTIFFS state a claim against the DEFENDANTS for breach of
21 duties imposed upon them by the Constitution of the State of California
22 and for duties imposed upon them by the common law.
23
- 24 9. This is a civil action seeking damages against the DEFENDANTS for
25 committing acts under color of law and depriving the plaintiff of rights
26
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28

1 secured by the Constitution and laws of the United States (42 U.S.C. §
2 1983).
3

4 10. DEFENDANT'S officials, management and employees were negligent
5 by, without limiting other acts and behaviors: failing to follow its
6 established safety procedures; failing to protect PLAINTIFFS from harm;
7 failing to provide necessary and appropriate security measures; and,
8 failing to provide necessary and appropriate maintenance of equipment
9 for the safety, welfare and protection of PLAINTIFFS.
10
11

12 11. The DEFENDANTS deprived the PLAINTIFFS' rights as guaranteed
13 by the Eighth and Fourteenth Amendments to the Constitution of the
14 United States.
15

16 12. The DEFENDANT'S jail officials, management and employees
17 violated the plaintiffs' constitutional rights and were negligent by, without
18 limiting other acts and behaviors; breach of its duty of care to
19 PLAINTIFFS by purposefully or negligently: (1) allowing prisoners
20 access to items easily converted to weapons; (2) failing properly to
21 screen and segregate inmates known to have acted violently in the past;
22 (3) failing to provide sufficient gate maintenance at the unit where the
23 PLAINTIFFS are housed; (4) failing to follow its established safety
24 procedures; (5) failing to provide necessary and appropriate security
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1 measures; (6) failing to implement a classification system and
2 corresponding housing plan for inmates at the West Valley and Men's
3 Central detention centers and, (7) failing to provide necessary and
4 appropriate security measures necessary for the safety, welfare and
5 protection of the plaintiff.
6
7

8 13. PLAINTIFFS suffered serious and severe physical and emotional
9 injuries and deprivation of their constitutional rights because of the
10 DEFENDANTS' actions.
11

12 14. Issues regarding medical treatment and billing are ongoing and we
13 reserve the right to amend the Complaint when the information is
14 available and complete.
15

16 15. This Complaint will be amended with more facts after video and other
17 evidence is made available.
18

19 16. PLAINTIFFS are entitled to reasonable costs and attorney's fees under
20 42 U.S.C. 1988 and other applicable California codes and laws as to
21 each claim or charge.
22

23 17. San Bernardino County inmates Christopher Jackson (FSB22001620),
24 Harquan Johnson (FSB22001621) and Cory Veas (FSB22001622) are
25 currently being charged with attempted murder and assault charges for
26
27
28

1 the attacks on HG, JA and RP, which was witnesses by DC, referenced
2 within this Complaint.
3

4 18. San Bernardino County inmate Tory Bratton (2111342527) has written
5 a statement proclaiming that he was instigated by Sheriff Does as to
6 racial tension issues and was advised by them “to be on point” prior to
7 being allowed access to and attacking Plaintiffs RV, TB and RP by a
8 door being opened and acknowledged that he was provided with an
9 opportunity to attack.
10
11

12 **JURISDICTION AND VENUE**

13

14 19. Defendants San Bernardino County, Sheriff Dicus of San Bernardino
15 County, individually and in his official capacity as current principle of San
16 Bernardino jail facilities as the San Bernardino County Sheriff, and
17 Sheriff Does are responsible for the opening, closing, security and
18 maintenance of the gates and units in question.
19

20 20. This action is filed under the Eighth Amendment to the United States
21 Constitution, pursuant to 42 U.S.C. § 1983, under California Law and
22 under common law, to redress injuries suffered by the PLAINTIFFS at
23 the hands of DEFENDANTS.
24
25

26 21. PLAINTIFFS exhausted the formal grievance process individually and
27 notices of a claim were presented by each PLAINTIFF and rejected
28

1 thereafter by DEFENDANTS. The claim stated the time, place, cause,
2 nature, and description of matter causing any injuries.
3

4 22. This Court has jurisdiction over the federal civil rights claim pursuant to
5 28 U.S.C. §§ 1331 and 1343. This Court has supplemental jurisdiction
6 over the state-law claims pursuant to 28 U.S.C. § 1367(a).
7

8 23. At all relevant times, PLAINTIFFS were inmates at the West Valley or
9 Men's Central detention center, operated by the San Bernardino County
10 Sheriff's Department in the County of San Bernardino.
11

12 24. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c).
13
14

15 **PARTIES**

16 25. Defendant San Bernardino County is a California municipal
17 corporation that acts through individuals to establish its policies and that
18 is capable of being sued under California Law.
19
20

21 26. The San Bernardino County Sheriff Department is an entity under the
22 jurisdiction of San Bernardino County.
23

24 27. Sheriff Dicus is responsible for supervising and operating the San
25 Bernardino County Sheriff's Department and ensuring the health and
26 safety of all inmates incarcerated in such facilities as the executive.
27 Sheriff Dicus is the ultimate decision maker and policy setter for the
28

1 County of San Bernardino County Sheriff's Department ("Department").

2 Sheriff Dicus is sued herein in his official and personal capacity.

3
4 28. At all times mentioned herein and at all other relevant times,

5 Defendant Sheriff Does were/are employed by the Department acting

6 within the course and scope of their employment under Sheriff Dicus.

7 Sheriff Does are sued herein in both their official and personal

8 capacities.

9
10
11 29. Plaintiffs will seek leave to amend this complaint to show the true

12 names and capacities of Defendant Sheriff Does when they have been

13 ascertained.

14
15 30. Plaintiff Raymond Villa (RV) is an individual, and at all times

16 mentioned herein was a citizen of the United States of America and a

17 resident of the County of San Bernardino while in custody at the San

18 Bernardino County West Valley jail located at 9500 Etiwanda Ave.

19 Rancho Cucamonga CA 91739

20
21
22 31. Plaintiff Daniel Morales (DM) is an individual, and at all times

23 mentioned herein was a citizen of the United States of America and a

24 resident of the County of San Bernardino while in custody at the San

25 Bernardino County Men's Central jail located at 630 East Rialto Ave.,

26 San Bernardino Ca 92415

1 32. Plaintiff Jiessi Alvarado (JA) is an individual, and at all times
2 mentioned herein was a citizen of the United States of America and a
3 resident of the County of San Bernardino while in custody at the San
4 Bernardino County Men's Central jail located at 630 East Rialto Ave.,
5 San Bernardino Ca 92415
6
7

8 33. Plaintiff Hector Gaona (HG) is an individual, and at all times
9 mentioned herein was a citizen of the United States of America and a
10 resident of the County of San Bernardino while in custody at the San
11 Bernardino County Men's Central jail located at 630 East Rialto Ave.,
12 San Bernardino Ca 92415
13
14

15 34. Plaintiff Matthew Perez (MP) is an individual, and at all times
16 mentioned herein was a citizen of the United States of America and a
17 resident of the County of San Bernardino while in custody at the San
18 Bernardino County Men's Central jail located at 630 East Rialto Ave.,
19 San Bernardino Ca 92415.
20
21

22 35. Plaintiff Daniel Cobarrubias (DC) is an individual, and at all times
23 mentioned herein was a citizen of the United States of America and a
24 resident of the County of San Bernardino while in custody at the San
25 Bernardino County Men's Central jail located at 630 East Rialto Ave.,
26 San Bernardino Ca 92415.
27
28

1 36. Plaintiff Timothy Baltierra (TB). is an individual, and at all times
2 mentioned herein was a citizen of the United States of America and a
3 resident of the County of San Bernardino while incarcerated at San
4 Bernardino County West Valley jail located at 9500 Etiwanda Ave.
5 Rancho Cucamonga CA 91739.
6
7

8 37. Plaintiff Robert Perez (RP) is an individual, and at all times mentioned
9 herein was a citizen of the United States of America and a resident of
10 the County of San Bernardino County while a resident at West Valley jail
11 located at 9500 Etiwanda Ave. Rancho Cucamonga CA 91739.
12
13
14

15 **STATEMENT OF FACTS FOR PLAINTIFF RV'S CAUSES OF ACTION**

16 38. At the time of the incident, Plaintiff RV was incarcerated in protective
17 pretrial custody at San Bernardino County West Valley jail located at
18 9500 Etiwanda Ave. Rancho Cucamonga CA 91739.
19
20

21 39. On or about July 26,2021, RV was stabbed by an armed general
22 population inmate, Joshua Molina (2106340287), due to Sheriff Doe 1
23 opening a security door.
24

25 40. Mr. Molina was able to secure a knife-like weapon.

26 41. After his door was opened, Mr. Molina advanced towards inmates,
27 causing a commotion Sheriff Does should have or did observe.
28

1 42. RV attempted to calm Mr. Molina down and noticed he had a
2 weapon.
3

4 43. Mr. Molina proceeded to stab RV and other inmates.

5 44. RV, plaintiff DM and another inmate nonplaintiff, were able to subdue
6 Mr. Molina.
7

8 45. RV was stabbed in his right upper back, left lower arm, his
9 epigastrium and his right thigh and was treated at Arrowhead Regional
10 Medical Center in the emergency room.
11

12 46. No Sheriff Deputies confronted or attempted to stop Mr. Molina prior
13 to the stabbings.
14

15 47. Upon information and belief, Mr. Molina was the subject of an earlier
16 physical altercation with inmates, not involving any of the PLAINTIFFS.
17

18 48. Due to the door being opened and Mr. Molina being armed, RV
19 suffered serious body injury resulting from numerous stab wounds
20 requiring medical treatment and multiple staples.
21

22 49. After the incident, RV filed a grievance due to his being stabbed but
23 was disciplined for the matter and was threatened with further discipline
24 for the reporting.
25

26 50. RV's official incident report fails to mention that he was stabbed
27 numerous times and is in essence identical to DM's incident report.
28

1 51. RV suffers from emotional distress caused by knowing he is not
2 secure or safe while being housed by the DEFENDANTS.
3

4 52. A claim was filed on 4/12/2022 with the County of San Bernardino
5 and it was returned on 5/3/2022 as not being filed timely.
6

7 53. Leave to present a late claim was filed on 5/16/2022 and denied
8 according to the County of San Bernardino on 5/3/2022 (which may be a
9 typo for 6/3/2022) with a date on the letter of 6/21/2022.
10
11

12 **COUNT 1 – Negligence**
13

14 54. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
15 if set forth herein and further states that:
16

17 55. DEFENDANTS breached its duty of care to the plaintiff by allowing an
18 inmate under the care and custody of the San Bernardino Sheriff's
19 Department to obtain a lethal weapon.
20

21 56. DEFENDANTS breached its duty of care to the plaintiff by failing to
22 follow its established safety procedures resulting in Plaintiff being
23 stabbed and/or attacked.
24

25 57. Due to the actions of a San Bernardino Sheriff's Deputy, doors were
26 not properly maintained, operated and/or secured;
27
28

1 58. DEFENDANTS' officials, management and employees violated
2 plaintiff's constitutional rights and were negligent by, without limiting
3 other acts and behaviors: breach of its duty of care to Plaintiff by
4 negligently: (1) allowing prisoners access to weapons; (2) failing
5 properly to screen and segregate inmates known to have acted violently
6 in the past; (3) failing to follow its established safety procedures; (4)
7 failing to provide necessary and appropriate security measures by
8 negligently or purposefully leaving security doors unsecured; (5) failing
9 to develop and implement a classification system and corresponding
10 housing plan for inmates at the detention facility.

11 59. Due to the doors being unsecured, Plaintiff was stabbed by a lethal
12 weapon and sustained preventable physical and emotional damage.
13
14

15 **COUNT 2 - Violation of 14th Amendment – Due Process – State-**
16 **Created Danger**
17

18 60. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
19 if set forth herein and further states that:
20

21 61. DEFENDANTS breached its duty of care to Plaintiff through
22 "deliberate indifference" toward a substantial risk to the plaintiff's health
23
24
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28

1 or safety by opening doors allowing an inmate to stab and/or attack
2 Plaintiff without intervention, which was a known and obvious danger.
3

4 62. DEFENDANTS placed the Plaintiff in a position of an actual,
5 particularized danger by creating or exposing the plaintiff to a danger
6 that he would not have otherwise faced.
7

8 63. DEFENDANTS failed to take action to protect unarmed inmates from
9 an armed inmate.
10

11 64. DEFENDANTS violated Plaintiff's constitutional rights and were
12 reckless, without limiting other acts and behaviors, by: (1) allowing an
13 inmate access to items that was easily converted to a weapon; (2) failing
14 to screen and segregate inmates known to have acted violently in the
15 past; (3) failing to follow its established safety procedures; (4) failing to
16 provide necessary and appropriate security measures; (5) failing to
17 implement a proper classification system and corresponding secure
18 housing plan for inmates at the DEFENDANTS' detention facility.
19
20
21

22 65. DEFENDANTS' failure to take appropriate action and their purposeful
23 action, resulted in physical and emotional harm to the Plaintiff.
24

25 66. DEFENDANTS actions created the actual, particularized danger
26 which caused severe physical and emotional injury to the plaintiff that
27 was foreseeable
28

COUNT 3 – Violation of 14th Amendment – Pretrial Detainee’s Claim of

Failure to Protect

67. The Plaintiff re-alleges and incorporates the foregoing paragraphs as if set forth herein and further states that:

68. DEFENDANTS breach of their duty of care by a purposeful failure to provide necessary and appropriate security measures in keeping security doors secure.

69. The DEFENDANTS made an intentional decision regarding the conditions under which the plaintiff was confined by opening the door of an armed inmate;

70. The opening of a security door housing an armed inmate put the Plaintiff at substantial risk of suffering serious physical and emotional harm, which in fact did occur;

71. The DEFENDANTS did not take any reasonable available measures to abate or reduce that risk, even though a reasonable officer in the circumstances would have appreciated the high degree of risk involved—making the consequences of the defendant’s conduct obvious;

72. The injury to the plaintiff was caused by a failure of the DEFENDANTS to provide necessary and appropriate security for the

1 safety, welfare and protection of Plaintiff in violation of the laws of the
2 Constitution and procedures governing the operation of the
3 DEFENDANTS by allowing security doors to be unsecured and allowing
4 an armed inmate to roam unsecured causing the injury to Plaintiff.
5
6
7

8 **COUNT 4- Emotional Distress**

9 73. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
10 if set forth herein and further states that:
11

12 74. DEFENDANTS engaged in outrageous conduct with an intent to or a
13 reckless disregard of the probability of causing Plaintiff to suffer
14 emotional distress.
15

16 75. As a direct, proximate and foreseeable result, Plaintiff suffered severe
17 emotional distress from physical and emotional trauma induced by
18 DEFENDANTS and the outrageous conduct was the cause of the
19 emotional distress suffered by the Plaintiff.
20
21

22 76. The actions of the DEFENDANTS that caused the injury did so either
23 purposefully or negligently.
24
25
26
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STATEMENT OF FACTS FOR PLAINTIFF DM CAUSES OF ACTION

77. At the time of the incident, Plaintiff DM was incarcerated at San Bernardino County Men's Central jail located at 630 East Rialto Ave., San Bernardino Ca 92415.

78. On or about July 26, 2021, DM was stabbed by an armed inmate due to the jail either purposely opening or negligently securing an armed door.

79. DM was able to be stabbed because inmate Joshua Molina (2106340287) was armed and unsecured by not being segregated due to either a door purposefully being opened or the negligent securing of an armed door.

80. Mr. Molina was DM's cellmate at the time of the stabbing.

81. DM was awoken that day by the sound of his cell door electronically "popping" open and Mr. Molina left the cell thereafter.

82. DM saw Joshua Molina attempting to stab other inmates, including RV, and was stabbed trying to stop him.

83. DM was stabbed in the chin, nose, chest, neck and left wrist.

84. According to Arrowhead medical records he suffered a closed head injury, blunt abdominal trauma, laceration of the chest wall, facial

1 laceration, blunt force trauma, left hand paresthesia and laceration of the
2 left wrist.

3
4 85. DM's injuries included a septum hematoma and a 4.5 cm chin
5 laceration, both of which required surgery.

6
7 86. DM received 2 staples in his left chest wall and staples in his left wrist
8 as well as sutures in his chin and nose.

9
10 87. DM was prescribed medication for his physical pain and Elavil for
11 nerve damage pain.

12 88. DM's nose, chest and wrist are still numb.

13
14 89. DM's nose is no longer symmetrical and is displaced from its original
15 position.

16
17 90. DM feels tingling sensations in his left wrist from the stabbings that
18 feel like the sensation of hitting your funny bone constantly.

19
20 91. No Sheriff Deputy attempted to intervene before the stabbings
21 occurred and were late to break up the attack.

22 92. DM was taken to the hospital but his official incident report fails to
23 mention that he was stabbed numerous times.

24
25 93. DM is currently suffering from emotional pain and suffering due to
26 increased anxiety caused by the fear of not being safe and secure while
27 incarcerated by the DEFENDANTS.
28

1 94. DM still has physical pain and cannot fully use his left hand due to the
2 stabbing and as of August of 2022, he has stints for both arms.
3

4 95. This is the same incident involving Plaintiff RV.
5
6

7 **COUNT 5 – Negligence**

8 96. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
9 if set forth herein and more specifically paragraphs 51-55.
10
11

12 **COUNT 6- Violation of 14th Amendment – Due Process – State-**
13 **Created Danger**
14

15 97. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
16 if set forth herein and more specifically paragraph 57-62.
17
18

19 **COUNT 7 – Violation of 14th Amendment – Pretrial Detainee's**
20 **Claim of Failure to Protect**
21
22

23 98. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
24 if set forth herein and more specifically paragraphs 64-68.
25
26
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28

COUNT 8- Emotional Distress

99. The Plaintiff re-alleges and incorporates the foregoing paragraphs as if set forth herein and more specifically paragraphs 70-73.

STATEMENT OF FACTS GIVING RISE TO PLAINTIFF JA'S CAUSES

OF ACTION

100. At the time of the incident, Plaintiff JA was in protective custody and incarcerated at San Bernardino County Men's Central jail located at 630 East Rialto Ave., San Bernardino Ca 92415.

101. On or about October 28, 2021, JA was viciously stabbed multiple times by other inmates at the Central jail at the K South Tier.

102. Under information and belief, Inmates Cory Thomas (1411300743) and Christopher Jackson (1911300544) were uncuffed and ran up the stairwell from the G South sallyport to the K South tier and attacked JA.

103. JA was stabbed because a door was purposely or negligently not secured. This door separated classes and segments of inmates for their protection.

104. The two attackers were black-box inmates and should not have been uncuffed.

105. This attack involved Plaintiff's JA, MP, HG and DC.

1 106. Plaintiff JA was at all relevant times was an inmate at the San
2 Bernardino County Men's Jail, under the care, custody and supervision
3 of the Sheriff Dicus.
4

5 107. Plaintiff JA was treated for stab wounds to his right anterior chest and
6 right lateral chest wall region. The wounds were closed with demabond.
7

8 108. JA was prescribed Zoloft due to his increased anxiety caused by the
9 fear of not being safe and secure while incarcerated.
10

11 109. The San Bernardino County Sheriff's Department Inmate Injury report
12 states that the action that should be taken to eliminate this problem in
13 the future is that gates/doors leading to segments should be secured
14 after use.
15

16 110. JA was severely wounded, received substantial medical care and
17 endured much pain and suffering.
18
19
20

21 **COUNT 9- – Negligence**

22 111. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
23 if set forth herein and more specifically paragraphs 51-55.
24
25

26 **COUNT 10- Violation of 14th Amendment – Due Process – State-**
27 **Created Danger**
28

1
2 112. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
3
4 if set forth herein and more specifically paragraph 57-62
5

6
7 **COUNT 11 - Violation of 14th Amendment – Pretrial Detainee’s Claim**
8 **of Failure to Protect**

9 113. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
10
11 if set forth herein and more specifically paragraphs 64-68.
12

13
14 **COUNT 12- Emotional Distress**

15 114. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
16
17 if set forth herein and more specifically paragraphs 70-73.

18 115. As to Counts 9, 10, 11, 12:
19

20
21 **STATEMENT OF FACTS GIVING RISE TO PLAINTIFF HG’S CAUSES**
22 **OF ACTION**

23 116. At the time of the incident, Plaintiff HG was in protective custody and
24
25 was incarcerated at San Bernardino County Men’s Central jail located at
26
27 630 East Rialto Ave., San Bernardino Ca 92415.
28

1 117. On or about October 28, 2021, HG was stabbed in the back of the
2 head by an unsecured Black-Box general population inmate.

3
4 118. This resulted in a posterior scalp stab wound that was closed with
5 demabond.

6
7 119. Under information and belief, a supervisory investigation was
8 conducted under deputy report number 302100271.

9
10 120. HG was stabbed because a door was purposely or negligently not
11 secured. This door separated classes and segments of inmates for their
12 protection.

13
14 121. Deputies were aware of the issue due to a prior incident when HG
15 was attacked on June 14, 2021 by the same general population inmates
16 carrying broken sticks and he was stabbed then as well resulting in
17 stitches.

18
19 122. This is the second attack on HG by the same general population
20 inmates.

21
22 123. GH had a psychological evaluation after the incident due to his
23 increased anxiety, hypervigilance, paranoia, PTSD and poor sleep.

24
25 124. HG has been seeing in-custody mental health specialists since and
26 has been in a constant state of fear.

1 125. He was not protected twice by the DEFENDANTS, though he was in
2 protective custody.
3

4 126. The opening and closing of cell doors give him anxiety daily for fear
5 of being attacked.
6

7 127. HG has not left his cell at times due to this fear and has been
8 prescribed medications to ease his nerves.
9

10 128. He filed a grievance for both matters.

11 129. This October attack also involved Plaintiffs JA, MP, DC and HG.
12

13
14 **COUNT 13 - Negligence**

15 130. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
16 if set forth herein and more specifically paragraphs 51-55.
17

18
19 **COUNT 14- Violation of 14th Amendment – Due Process – State-**
20 **Created Danger**
21

22 131. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
23 if set forth herein and more specifically paragraph 57-62.
24

25
26 **COUNT 15- Violation of 14th Amendment – Pretrial Detainee's Claim**
27 **of Failure to Protect**
28

1 132. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
2 if set forth herein and more specifically paragraphs 64-68.
3

4
5 **COUNT 16 – Emotional Distress**
6

7 133. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
8 if set forth herein and more specifically paragraphs 70-73.
9

10 134. As to Counts 13, 14, 15 and 16:
11

12 **STATEMENT OF FACTS GIVING RISE TO THE PLAINTIFF MP'S**
13

14 **CAUSES OF ACTION**

15 135. At the time of the incident Plaintiff Matthew Perez was in protective
16 custody and was incarcerated at San Bernardino County Men's Central
17 jail located at 630 East Rialto Ave., San Bernardino Ca 92415.
18

19 136. On or about Oct. 27-Oct. 28, 2021, Mr. Perez was stabbed
20 approximately 8 times and is still suffering trauma from the incident.
21

22 137. MP was stabbed because a door was purposely or negligently not
23 secured. This door separated classes and segments of inmates for their
24 protection.
25
26
27
28

1 138. MP was stabbed in his head, face, ear, lung, back, chest, arm and leg
2 and was hospitalized due to seriousness of the wounds and the amount
3 of blood he was losing.
4

5 139. When MP returned from the hospital, his records dictate that he had:
6 2 sutures to middle between eyebrow, right scalp with #3 visible sutures,
7 left scalp laceration with scab, right ear laceration with 1 suture, left ring
8 finger with 2 sutures, right forearm with 1 sutures, 1 right upper chest
9 suture, 1 right shoulder suture, 1 left middle back suture, and left shin
10 with unknown # of sutures with an ace wrap.
11
12

13 140. Some of these stab wounds were deep and will forever impact his life
14 as well as his appearance.
15

16 141. These stabbings caused significant pain and suffering.
17

18 142. MP has been in constant fear of his security since this attack and has
19 experienced increases in anxiety and paranoia.
20

21 143. This October attack also involved Plaintiffs JA, MP, DC and HG.
22

23 **COUNT 17 - Negligence**
24

25 144. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
26 if set forth herein and more specifically paragraphs 51-55
27
28

1 150. At the time of the incident, DC was in protective custody and was
2 incarcerated at San Bernardino County Men's Central jail located at 630
3 East Rialto Ave., San Bernardino Ca 92415.
4

5 151. On or about October 28, 2021, DC watched protective custody
6 inmates MP, JA and HG, being attacked and stabbed by Black-Boxed
7 general population inmates.
8

9 152. Under information and belief, a supervisory investigation was
10 conducted with possible discipline administered to currently unknown
11 Sheriff employees.
12

13 153. There should be video of the stabbings and an internal investigation
14 and findings.
15

16 154. DC was in the cell next to the attacks, witnessed the horror of the
17 stabbings and has had severe emotional and mental distress due to this
18 incident, as well as others while in the custody of the DEFENDANTS.
19

20 155. He was prescribed various medications to control the anxiety, the
21 voices and paranoia of being attacked at any moment.
22

23 156. His medical reports document his depression, anxiousness, paranoia
24 and poor sleep due to witnessing multiple violent preventable stabbings
25 while in the custody of DEFENDANTS.
26
27
28

1 157. His feelings of extreme vulnerability and sense of lack of any security,
2 even though while in protective custody, has caused him severe
3 emotional distress by being on constant edge.
4

5 158. This event happened because a door was purposely not secured
6 which separated classes and segments of inmates for their protection
7 and inmates were not secure by Sheriff Does.
8

9 159. Deputies were aware of the issue due to a prior incident when HG
10 was attacked in June of 2021 by general population inmates carrying
11 broken sticks.
12

13 160. DC is a witness to the previous incident involving HG. A grievance
14 was filed for that issue.
15

16 161. This October 2021 attack involved Plaintiffs JA, MP, DC and HG.
17

18 162. The location of the black-boxed inmates has since been moved away
19 from the area of protective custody inmates.
20

21
22 **COUNT 21 – Emotional Distress**

23 163. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
24 if set forth herein and more specifically paragraphs 70-71.
25

26 164. As to Count 21:
27
28

STATEMENT OF FACTS GIVING RISE TO THE PLAINTIFF TB CAUSES
OF ACTION

165. At the time of the incident, Plaintiff TB was incarcerated at San Bernardino County West Valley jail located at 9500 Etiwanda Ave. Rancho Cucamonga CA 91739.

166. On or about January 21, 2022, TB was in Unit 5-F in Cell 12 and usually there is only 1 quarter cell open at a time for safety purposes.

167. On this date, the deputies opened 2 additional doors to Cell 4 and Cell 15 causing TB to be attacked by approximately four other inmates of a different race from these other Cells.

168. TB was stabbed in the back during this attack and twice in the left buttocks as well as punched and kicked repeatedly by the attacking inmates.

169. Plaintiff RP was a witness to this attack.

170. TB was stabbed because a door was purposely not secured which separated classes and segments of inmates for their protection.

171. This incident was captured on video.

172. TB now has substantial back pain and issues with his mobility.

173. TB initially denied medical attention at the time of the incident, but he has been having increasingly elevated back problems and pain.

1 174. TB's medical chart notes a wound to his lower back that is small,
2 circular and healed as of 4/22/22.
3

4 175. As of August 16, 2022, his back still locks up while laying or sitting,
5 resulting in extreme pain. TB has extreme difficulty moving or getting up.
6

7 176. TB has not received any meaningful medical care or treatment
8 despite complain of pain because "he did not tell them when it
9 happened."
10

11 177. TB has been in constant fear of his security since this attack and has
12 experienced increases in anxiety and paranoia.
13
14

15 **COUNT 22 - Negligence**

16 178. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
17 if set forth herein and more specifically paragraphs 51-55.
18
19

20 **COUNT 23 - Violation of 14th Amendment – Due Process – State-**
21 **Created Danger**
22

23 179. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
24 if set forth herein and more specifically paragraph 57-62.
25
26
27
28

1 **COUNT 24 - Violation of 14th Amendment – Pretrial Detainee’s Claim**
2
3 **of Failure to Protect**

4 180. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
5 if set forth herein and more specifically paragraphs 64-68.
6

7
8 **COUNT 25 – Emotional Distress**

9 181. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
10 if set forth herein and more specifically paragraphs 70-73.
11

12 182. As to Counts 22, 23, 24 and 25:
13
14

15 **STATEMENT OF FACTS GIVING RISE TO THE PLAINTIFF RP CAUSES**
16
17 **OF ACTION**

18 183. At the time of the incident, Plaintiff RP was incarcerated at San
19 Bernardino County West Valley jail located at 9500 Etiwanda Ave.
20 Rancho Cucamonga CA 91739 in the maximum-security unit.
21

22 184. On or about January 21, 2022, RP was in his Unit when Sheriff Doe 3
23 opened additional cell doors on different tiers holding different races of
24 inmates.
25

26 185. The doors are not usually all open together at the same time for the
27 safety and security of the inmates and staff.
28

1 186. On this date, the deputies opened 2 additional doors causing RP to
2 be attacked by other inmates of a different race from these other Cells.
3

4 187. The attackers appeared to be inmates returning from Court and
5 inmates returning from Dental services.
6

7 188. RP was brutally attacked by these released inmates and is now blind
8 in one eye, received a broken nose and has decreasing vision in his
9 other eye.
10

11 189. Sheriff Deputies were delayed in their response to the attack.
12

13 190. RP was rushed to Arrowhead hospital after the event.
14

15 191. RP has made numerous trips to medical specialists regarding the
16 condition of his eyes and his nose since this incident.
17

18 192. Medical plastic surgery specialist had to retrieve cartilage from his
19 right ear to fix his broken nose due to deviation.
20

21 193. RP has vision issues and suffered a broken nose because cell doors
22 were purposely or negligently not secured.
23

24 194. RP has been going to Pacific Eye Institute in Rancho Cucamonga to
25 receive injections for his right eye due to the incident.
26

27 195. He has been advised that he has swelling, blood and hemorrhaging
28 behind his right eye due to the incident.

1 196. RP had surgery in July of 2022 on his head and brain due to his
2 headaches caused by this incident.
3

4 197. The involved doors separated classes and segments of inmates for
5 their protection and safety.
6

7 198. RP received corrective surgery for his broken nose roughly 8 months
8 after the incident.
9

10 199. This incident was captured on video.

11 200. This incident also involved the attack of Plaintiff TB.
12
13

14 **COUNT 26 - Negligence**

15 201. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
16 if set forth herein and more specifically paragraphs 52-53 and 55.
17

18 202. DEFENDANTS violated plaintiff's constitutional rights and were
19 reckless, without limiting other acts and behaviors, by breaching their
20 duty of care to RP by: (1) allowing prisoners access to prisoners they
21 shouldn't (2) failing to properly screen and segregate inmates known to
22 have acted violently in the past; (3) failing to provide sufficient security at
23 the unit where RP was housed; (4) failing to follow its established safety
24 procedures; (5) failing to provide necessary and appropriate security
25 measures; (6) failing to develop and implement a classification system
26
27
28

1 and corresponding housing plan for inmates at the central detention
2 facility.
3

4
5 **COUNT 27 - Violation of 14th Amendment – Due Process – State-**
6 **Created Danger**
7

8 203. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
9 if set forth herein and more specifically paragraph 57-58.
10

11 204. DEFENDANTS violated Plaintiff's constitutional rights and were
12 reckless, without limiting other acts and behaviors, by: (1) allowing
13 multiple inmates access to Plaintiff that should not have had such
14 access; (2) failing to screen and segregate inmates known to have acted
15 violently in the past; (3) failing to follow its established safety
16 procedures; (4) failing to provide necessary and appropriate security
17 measures; (5) failing to implement a proper classification system and
18 corresponding secure housing plan for inmates at the DEFENDANTS'
19 detention facility.
20
21
22

23 205. DEFENDANTS' failure to take appropriate action and their purposeful
24 action, resulted in physical and emotional harm to the Plaintiff.
25
26
27
28

1 206. DEFENDANTS actions created the actual, particularized danger
2 which caused severe physical and emotional injury to the plaintiff that
3 was foreseeable
4

5
6
7 **COUNT 28 – Violation of 14th Amendment – Pretrial Detainee’s Claim**
8 **of Failure to Protect**

9 207. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
10 if set forth herein and further states that:
11

12 208. DEFENDANTS breach of their duty of care by a purposeful failure to
13 provide necessary and appropriate security measures in keeping
14 security doors secure.
15

16 209. The DEFENDANTS made an intentional decision regarding the
17 conditions under which the plaintiff was confined by opening the doors
18 allowing multiple inmates to have access to Plaintiff that should not
19 have;
20
21

22 210. The opening of a security door housing an armed inmate put the
23 Plaintiff at substantial risk of suffering serious physical and emotional
24 harm, which in fact did occur;
25

26 211. The DEFENDANTS did not take any reasonable available measures
27 to abate or reduce that risk, even though a reasonable officer in the
28

1 circumstances would have appreciated the high degree of risk
2 involved—making the consequences of the defendant’s conduct
3 obvious;
4

5 212. The injury to the plaintiff was caused by a failure of the
6 DEFENDANTS to provide necessary and appropriate security for the
7 safety, welfare and protection of Plaintiff in violation of the laws of the
8 Constitution and procedures governing the operation of the
9 DEFENDANTS by allowing security doors to be unsecured causing the
10 injury to Plaintiff.
11
12
13
14

15 **COUNT 29 – Emotional Distress**

16 213. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
17 if set forth herein and more specifically paragraphs 70-73.
18

19 214. As to Counts 26, 27, 28 and 29:
20
21

22 **COUNT 30**

23 215. Violation of each and every individual PLAINTIFFS’ civil rights under
24 California constitution and state law by DEFENDANTS.
25

26 216. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
27 if set forth herein and further states that:
28

1 217. The conduct of DEFENDANTS deprived PLAINTIFFS of their rights,
2 privileges and immunities under California Constitution Article 1, Section
3 7, not to be deprived of live, liberty or property without due process of
4 law; the right to equal protection under the law and protections from
5 bodily harm under California Civil Code, Sections 51 et al, 52 and 43.
6

7
8 218. DEFENDANTS and each of them, directly or indirectly engaged
9 under color of official duty to deprive PLAINTIFFS of their rights to
10 redress under California Civil Code, Section 51 et al and 52 as victims of
11 oppressive and physical harm and to cover up the unlawful numerous
12 beatings and assaults of PLAINTIFFS.
13
14

15 219. The continuation of policies, customs and practices by
16 DEFENDANTS by inaction, omissions, coverups and the persistent use
17 of failed programs as a pretense to engage in meaningful training,
18 supervision and monitoring only encourage their officer to believe that
19 improper force against inmates is permissible, acceptable, tolerated and
20 will go unpunished.
21
22
23
24

25 WHEREFORE, the PLAINTIFFS demands judgment against each and
26 every Defendant individually and jointly as DEFENDANTS and prays for
27 relief as follows as to each above Count or Charge:
28

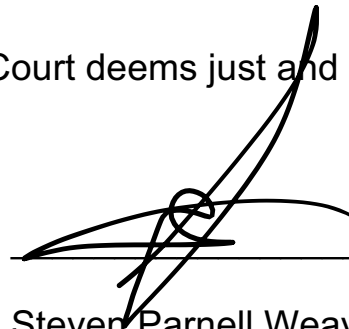
1 1.)Compensatory damages in an amount according to proof, which is
2 fair, just and reasonable;
3

4 2.)Punitive and exemplary damages under federal and California law, in
5 an amount according to proof and in an amount which is fair, just, and
6 reasonable against each individual Defendant as allowable by law.
7

8 3.)All other damages, penalties, costs, interest, and attorneys' fees as
9 allowed by 42 U.S.C 1983 and 1988; California Code of Civil
10 Procedure 377.20 et seq., 377.60 et seq., and 1021.5; California Civil
11 Code 52 et seq., 52.1; and as otherwise may be allowed by California
12 and/or Federal law; and
13
14

15 4.)For such other and further relief as the Court deems just and proper.
16

17 Dated: August 25, 2022

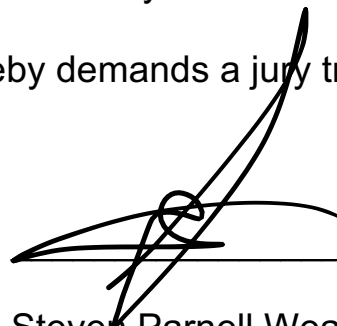


Steven Parnell Weaver

Attorney for PLAINTIFFS

22 DEMAND FOR JURY TRIAL The plaintiff hereby demands a jury trial on
23 each and every charge or count.
24

25 Dated: August 25, 2022



Steven Parnell Weaver

Attorney for PLAINTIFFS